



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 8

#### FEES AND CHARGES

##### *Immigration*

#### **85 Immigration skills charge**

- (1) The Immigration Act 2014 is amended as follows.
- (2) After section 70 insert—

##### **“70A Immigration skills charge**

- (1) The Secretary of State may by regulations provide for a charge to be imposed on—
  - (a) persons who make immigration skills arrangements, or
  - (b) any description of such persons.
- (2) “Immigration skills arrangements” are arrangements made by a person (“the sponsor”) with the Secretary of State with a view to securing that an individual who is not exempt for the purposes of this section is granted entry clearance or leave to remain in the United Kingdom to enable the individual to work for the sponsor in the United Kingdom.
- (3) Regulations under this section may in particular—
  - (a) impose a separate charge on a sponsor in respect of each individual in relation to whom the sponsor makes immigration skills arrangements;
  - (b) specify the amount of any charge (and different amounts may be specified for different purposes);
  - (c) make provision about when or how a charge may or must be paid to the Secretary of State;

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*Status: This is the original version (as it was originally enacted).*

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- (d) make provision about the consequences of a sponsor failing to pay a charge;
  - (e) provide for exemptions from a charge;
  - (f) provide for the reduction, waiver or refund of part or all of a charge (whether by conferring a discretion or otherwise).
- (4) Sums paid by virtue of regulations under this section must—
- (a) be paid into the Consolidated Fund, or
  - (b) be applied in such other way as the regulations may specify.
- (5) Regulations under this section may be made only with the consent of the Treasury.
- (6) An individual is exempt for the purposes of this section if he or she is—
- (a) a British citizen;
  - (b) a national of an EEA State other than the United Kingdom;
  - (c) a national of Switzerland;
  - (d) otherwise entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972.
- (7) In this section “entry clearance” has the meaning given by section 33(1) of the Immigration Act 1971.”
- (3) In section 74(2) (orders and regulations which are subject to affirmative resolution procedure) after paragraph (j) insert—
- “(ja) regulations under section 70A;”.